

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|-----------------------------------|---|--------------------------|
| KYLE BENGTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | 3:06-cv-00569-SRW |
| |) | |
| DAVID BAZEMORE, O. D., AND |) | |
| WAL-MART STORES, INC., |) | |
| |) | |
| Defendants. |) | |

MOTION TO CONTINUE

COMES NOW, Defendant David Bazemore, O.D., by and through the undersigned attorney, and respectfully moves this Honorable Court to continue the trial of this matter, which is currently set for December 10, 2007. In support of this Motion, Defendant Bazemore says and states as follows:

- 1.) On the morning of November 26, 2007, Matthew W. White, the lead trial attorney for Defendant Bazemore in this case, was admitted to the emergency room of the East Alabama Medical Center ("EAMC") with severe stomach pain.
- 2.) Thereafter, it was discovered that he had suffered a ruptured appendix.
- 3.) Mr. White continues to be hospitalized for this condition and will remain in the hospital for further testing and monitoring for some time.
- 4.) Mr. White's doctors have expressed the possibility that he may remain in the hospital at EAMC for several weeks and/or that he may be transferred to another hospital

for further testing, monitoring, and/or surgeries due to the severity of his condition.

5.) Based on the foregoing, Mr. White will not be able to try this case on December 10, 2007.

6) The undersigned has spoken with the Plaintiff's counsel and he has no objection to this continuance.

WHEREFORE, based on the foregoing, Defendant Bazemore respectfully requests that this Honorable Court continue its current trial setting for this case from December 10, 2007 until a later date.

ADAMS, UMBACH, DAVIDSON & WHITE LLP

BY: s/ BLAKE L. OLIVER
BLAKE L. OLIVER (OLI020)
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P. O. Box 2069
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CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of November, 2007 served a true and correct copy of the above and foregoing Motion as follows:

David Adams, Esq.
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Moultrie, GA 31768

Jim Douglas, Esq.
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s/ BLAKE L. OLIVER
Of Counsel for Defendants